

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN CRAIG HAYNES	:	
Plaintiff	:	CIVIL ACTION NO. 3:18-1837
v.	:	(MANNION, D.J.)
JOHN WETZEL, et al.,	:	
Defendants	:	

ORDER

Presently before the court is the report and recommendation of Magistrate Judge Susan E. Schwab (“Report”), which recommends dismissal of this action. (Doc 54). No objections to the Report have been filed.

When no objections are made to the report and recommendation of a magistrate judge, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed.R.Civ.P. 72(b) advisory committee’s note; see also *Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not,

the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); M.D.Pa. L.R. 72.31.

In her Report, Judge Schwab observes that after the court dismissed the plaintiff's first amended complaint, ([Doc. 53](#)), he has failed to file a second amended complaint and because he failed to otherwise communicate with the court, it appears that he has abandoned this action. Judge Schwab applied the requisite *Poulis* factors and determined that the balance of factors weighs heavily in favor of dismissal. Accordingly, the Report recommends dismissal of the case in accordance with Fed.R.Civ.P. 41(b).

Having reviewed the Report, as well as the record in this matter, the court agrees with the sound reasoning which led Judge Schwab to her recommendation. As such, the court adopts the Report of Judge Schwab as the opinion of the court.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- (1) Judge Schwab's Report, ([Doc. 54](#)), is ADOPTED IN ITS ENTIRETY;**
- (2) This action is DISMISSED in accordance with Fed.R.Civ.P. 41(b); and**

(3) The Clerk of Court is directed to CLOSE THIS CASE.

s/ *Malachy E. Mannion*

MALACHY E. MANNION
United States District Judge

DATE: June 24, 2021

18-1837-04